

# Exhibit 63

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

KEITH FISCHER, MICHAEL O’SULLIVAN,  
JOHN MOESER, LOUIS PIA, THOMAS BARDEN,  
CONSTANCE MANGAN, and CHARISE JONES,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES INSURANCE  
COMPANY,

Defendant.

No. 23 Civ. 02848 (SJB) (ST)

**DECLARATION OF TROY L. KESSLER IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION**

Troy L. Kessler, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury:

1. I am a shareholder and co-founder of the law firm of Kessler Matura P.C. (“KM”), co-counsel with Outten & Golden LLP, for Plaintiffs and the putative class and collective action in the above-captioned action.

2. I am familiar with the facts and circumstances of this action. I submit this declaration to place before the Court relevant documents and information in support of Plaintiffs’ Motion for Class Certification.

**Kessler Matura P.C.’s Adequacy**

3. Attached as **Exhibit 1** is my CV, which includes an overview of KM’s firm history.
4. Attached as **Exhibit 2** is the CV of Garrett Kaske, a partner of KM.
5. In *Garcia v. Pancho Villa’s of Huntington Village*, the Honorable E. Thomas Boyle, U.S.M.J., certified the matter as a class action stating that KM’s attorneys “are experienced labor

and employment litigators, who have successfully represented employees in numerous collective and class action lawsuits.” 281 F.R.D. 100, 107 (E.D.N.Y. 2011).

6. In *Rodriguez v. Joseph Eletto Transfer, Inc.*, the Honorable Jefferey S. Brown, J.S.C., approved a class action settlement finding that KM’s attorneys and co-counsel have “significant experience prosecuting employment class actions and their work performed in representing the interests of the class members.” 2016 NY Slip Op 32592(U), at \*3 (Sup. Ct. Dec. 15, 2016).

7. In *Morris v. Affinity Health Plan*, the Honorable Andrew L. Carter, Jr., U.S.D.J., certified a class action and approved a class action settlement stating that KM’s attorneys and co-counsel has “substantial experience prosecuting and settling wage and hour actions, are well-versed in wage and hour and class action law, have been class or lead counsel in numerous wage and hour class and collective actions.” 859 F. Supp. 2d 611, 616 (S.D.N.Y. 2012). Moreover, Judge Carter determined that our attorneys are “experienced employment lawyers with good reputations among the employment law bar . . . [and] substantial experience prosecuting large-scale wage and hour class and collective actions.” *Id.* at 622.

8. In *Dawson v. Sterling Bancorp., Inc.*, the Honorable Linda Kevins, J.S.C., preliminary approved a class action settlement involving unpaid overtime claims for assistant branch managers of a bank. 2020 WL 6686606 (Sup. Ct. Oct. 29, 2020). Judge Kevins determined that KM “has substantial experience and is well versed on the subject matter of the lawsuit.” *Id.* at \*2.

9. In *Ellison v. Adam Rest. Corp.*, the Honorable Conrad D. Singer, J.S.C., certified a class of restaurant workers seeking unpaid minimum wages. 2024 WL 2273524 (Sup. Ct. Apr. 2,

2024). Judge Singer held that KM “holds sufficient qualifications” to serve as class counsel. *Id.* at \*3.

10. As outlined in these decisions and others, courts have repeatedly found that my firm and I have served as adequate counsel in collective and class actions. *See, e.g., Lucente v. EAD Entertainment, LLC*, No. 23 Civ. 3560, ECF Nos. 28 (E.D.N.Y. May 29, 2024) (appointment and preliminary approval; final approval granted via ECF Nos. 34 and 35); *Manfredo v. VIP Auto Group of Long Island, Inc.*, No. 20 Civ. 3728, ECF No. 43 (E.D.N.Y. June 27, 2022); *Robinson v. Big City Yonkers, Inc.*, No. 600159/16, 2017 N.Y. Slip Op. 30177(U), at \*13 (Sup. Ct Jan. 17, 2017); *Rodriguez*, 2016 NY Slip Op 32592(U), at \*3; *Bijoux v. Amerigroup New York, LLC*, No. 14 Civ. 3891, 2016 WL 2839797, at \*1 (E.D.N.Y. May 12, 2016); *Puglisi v. TD Bank, N.A.*, No. 13 Civ. 637, 2015 WL 4608655, at \*1 (E.D.N.Y. July 30, 2015); *Garcia v. Pancho Villa’s of Huntington Village, Inc.*, No. 09 Civ. 486, 2012 WL 5305694, at \*7 (E.D.N.Y. Oct. 4, 2012); *Morris*, 859 F. Supp. 2d at 616, 622; *Sukhnandan v. Royal Health Care of Long Island LLC*, No. 12 Civ. 4216, 2014 WL 3778173, at \*8 (S.D.N.Y. July 31, 2014).

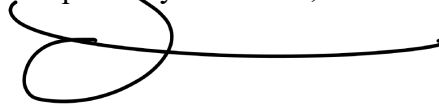
11. KM is prepared to commit the resources necessary to litigate this matter on behalf of the class going forward.

\* \* \*

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: March 13, 2025  
Melville, New York

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by a horizontal line extending to the right.

Troy L. Kessler  
**KESSLER MATURA P.C.**

534 Broadhollow Road, Suite 275  
Melville, NY 11747  
Telephone: (631) 499-9100  
tkessler@kesslermatura.com

*Attorneys for Plaintiffs and the  
Putative Class and Collective*

# **Exhibit 1**

**TROY L. KESSLER**  
Kessler Matura P.C.  
534 Broadhollow Road  
Melville, NY 11747  
tkessler@kesslermatura.com  
www.kesslermatura.com  
(631) 499-9100

## **CURRICULUM VITAE**

### **BAR ADMISSIONS**

New York (1997)  
U.S. Court of Appeals, Second Circuit  
U.S. District Court Northern District of New York  
U.S. District Court Southern District of New York  
U.S. District Court Eastern District of New York

### **EDUCATION**

**Loyola University Chicago School of Law**, Chicago, Illinois  
Juris Doctor (May 1996)

**University of Wisconsin**, Madison, Wisconsin  
B.A., Political Science and History (May 1993)

### **PROFESSIONAL HISTORY**

#### ***Law Firms***

**Kessler Matura P.C.**, Melville, New York  
*Founding Partner and Shareholder* (January 2020 – Present)  
Kessler Matura P.C., like Shulman Kessler, LLP, concentrates in the representation of employees in collective and class actions involving wage-and-hour disputes, as well as in discrimination and harassment cases and contract and severance negotiations.

**Shulman Kessler LLP**, Melville, New York  
*Founding Partner* (March 2010 – December 2020)

**Misiano Shulman Capetola & Kessler, LLP**, Melville, New York  
*Founding Partner* (January 2003 – March 2010)  
Represented employees in a variety of employment-related disputes including discrimination and harassment cases as well as collective and class actions involving wage-and-hour disputes.

**Capetola & Doddato, Esqs., LLP**, Williston Park, New York

*Associate* (September 1996 - December 2002)

Handled general civil litigation matters and represented individuals in a variety of employment-related disputes including discrimination and harassment cases.

### ***Teaching***

**Benjamin N. Cardozo School of Law**, New York, New York

*Adjunct Professor of Law* (August 2024 – Present)

Alternative Dispute Resolution in the Workplace

### **PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS**

- Center for Labor & Employment Law at the New York University School of Law, Advisory Board Member
- College of Labor and Employment Lawyers, Fellow
- Federal Bar Association, Eastern District of New York Chapter, President
- American Bar Association - Labor & Employment Section, Member, and co-chair of the Section's Alternative Dispute Resolution Committee
- National Employment Lawyers Association, Member
- National Employment Lawyers Association/New York ("NELA/NY"), Former Executive Board Member
- Suffolk County Bar Association's Labor & Employment Committee, past Co-Chair
- New York State Bar Association, Member
- Nassau County Bar Association, Mentor

### **PUBLISHED WORKS**

Joan C. Foley, Robin Boyle-Laisure, and Troy L. Kessler, *Merging the Bench, Bar, and Law Schools: How a Student Scholars Program Achieves Professional Identity Through Scholarly Writing, Mentorship, and Presentation*, 93 UMKC L. Rev. 1 (Fall 2024).

Chapter Editor (2022 – Present) and Contributor (2016 - 2022), American Bar Association's FLSA Midwinter Report, which serves as the annual supplement to the Ellen C. Kearns et al. eds., Fair Labor Standards Act (2d. ed. 2010).



Samuel Estreicher and Troy Kessler, *Employers Should Reconsider Plans to Discharge Employees for Refusing the COVID-19 Vaccine*, N.Y. Law Journal (May 26, 2022).

### **REPRESENTATIVE CASES**

Since 2007, I have participated in and supervised the prosecution of more than 300 wage-and-hour cases, including individual cases as well as collective and class action cases. Notable examples of cases in which my firm and I were or are currently involved, include:

- *LaVia v. Curaleaf Holdings, Inc.*, No. 610309/2024, NYSCEF No. 21 (Sup. Ct. Feb. 25, 2025) (granting final approval of class action settlement involving security guards).
- *Lucente v. EAD Entertainment, LLC*, No. 23 Civ. 3560 (E.D.N.Y. Nov. 7, 2024) (granting final approval of class action settlement involving paint-bar workers)
- *Ellison v. Adam Rest Corp.*, No. 607508/2023, 2024 WL 2273524 (Sup. Ct. Apr. 2, 2024) (certifying class of servers and bartenders employed across several separately incorporated restaurants operating under two brands)
- *Norfleet v. RevCore Recovery Center Manhattan LLC*, No. 617754/2023, NYCEF No. 18 (Sup. Ct. Jan. 29, 2024) (granting approval of class action settlement involving counselors)
- *Reynolds v. Otsego SNF Opers. Assocs. LLC*, No. 620635/2023, NYSCEF No. 17 (Sup. Ct. Jan. 5, 2024) (granting approval of class action settlement involving manual workers employed by a group of nursing and rehabilitation homes)
- *Fishkin v. Gourmet Express LTD*, No. 610142/2022, NYCEF No. 28 (Sup. Ct. Mar. 22, 2023) (granting final approval of class action settlement involving catering employees)
- *Baten v. Michigan Logistics, Inc.*, No. 2:18 Civ. 10229 (C.D. Cal. Oct. 25, 2021) (certifying class of auto-parts delivery drivers classified as independent contractors), *final approval granted*, 2023 WL 2440244 (Mar. 8, 2023) (tentative order), *adopted* ECF No. 156 (Mar. 9, 2023) (approving class action settlement on behalf of auto-parts delivery drivers)
- *Manfredo v. VIP Auto Group of Long Island, Inc.*, No. 2:20 Civ. 3728, 2021 WL 4958907 (E.D.N.Y. Oct. 26, 2021) (granting collective certification of salespersons employed at several separately incorporated auto dealerships), *settlement approved*, ECF No. 46 (E.D.N.Y. Jan. 12, 2023) (granting final approval of class and collective action settlement involving more than 370 salespersons employed at multiple car auto dealerships)
- *Henne v. LI Wax FD, LLC, et al.*, No. 200516/2022, NYSCEF No. 20 (Sup. Ct. Oct. 18, 2022) (approving class action settlement on behalf of waxing and tanning employees)
- *Ludwig v. General Dynamics Information Technology, Inc.*, No. 19-CI-1073 (Ky. Cir. Ct. May 19, 2022) (granting final approval of class action settlement on behalf of call center workers)

- *Cucuzza v. National Debt Relief, LLC*, No. 601631/2021, NYSCEF No. 31 (Sup. Ct. Apr. 20, 2022) (granting final approval of class action settlement involving salespersons)
- *Bonefort v. Sticker Mule LLC*, No. 20 Civ. 1222, ECF No. 33 (N.D.N.Y. Feb. 24, 2022) (granting final approval of class action settlement on behalf of sticker production workers)
- *Lawson v. Realization Center, Inc.*, No. 613219/2021, NYSCEF No. 24 (Sup. Ct. Jan. 27, 2022) (granting plaintiff's motion for approval of class action settlement)
- *Tabacchino v. Laboratory Corp. of Am. Holdings*, No. 613075/2021, NYSCEF No. 39 (Sup. Ct. Dec. 16, 2021) (granting approval of class action settlement on behalf of couriers)
- *Guy v. DMG Installations, Inc.*, No. 4:20 Civ. 331 (S.D. Iowa Oct. 22, 2021) (granting approval of collective action settlement involving cable installers classified as independent contractors)
- *Lopez v. New York Community Bancorp, Inc.*, No. 2:20 Civ. 2741, ECF No. 54 (E.D.N.Y. Oct. 7, 2021) (approving FLSA collective action settlement on behalf of retail bank employees in New York State)
- *Petersen v. Emblemhealth, Inc.*, No. 20 Civ. 2568, ECF 62 (E.D.N.Y. Sept. 13, 2021) (approving collective action settlement on behalf of insurance sales representatives)
- *Dawson v. Sterling Bancorp, Inc.*, No. 623157/2019, NYSCEF No. 38 (Sup. Ct. April 28, 2021) (final approval of class action settlement involving assistant branch managers of bank)
- *Edwards v. Servicemaster Co., LLC*, No. 20 Civ. 6124, 2021 WL 1558341 (S.D.N.Y. Apr. 21, 2021) (approving multi-plaintiff FLSA settlement)
- *Vieten v. Christmas Tree Shops, Inc.*, No. UNN-L-601-21 (Sup. Ct. N.J. Apr. 6, 2021) (nationwide collective action settlement approved)
- *Pierre v. Kaufman Enters., LLC*, No. 2019/604065, NYSCEF No. 30 (Sup. Ct. Dec. 7, 2020) (final approval of class action settlement involving fast-food-chain assistant store managers)
- *Rotthoff v. New York State Catholic Health Plan, Inc.*, No. 19 Civ. 4027, 2020 WL 5763862 (E.D.N.Y. Sept. 28, 2020) (denying motion to dismiss class and collective action claims of care management employees), 2021 WL 1310220 (E.D.N.Y. April 8, 2021) (approving multi-plaintiff FLSA settlement)
- *Meo v. Lane Bryant, Inc.*, No. 18 Civ. 6360, 2019 WL 5157024 (E.D.N.Y. Sept. 31, 2019) (conditionally certifying collective of retail assistant store managers), *settlement approved by*, 2020 WL 4047897 (E.D.N.Y. July 17, 2020) (49-state collective action settlement approved)

- *Vecchione v. Consumers Warehouse Center, Inc.*, No. 606019/2017, NYSCEF No. 60 (Sup. Ct. Jan. 15, 2020) (class action settlement involving over 100 salespersons approved)
- *Davis v. Buy Buy Baby, Inc.*, No. UNN-L-3630-19 (Sup. Ct. N.J. Feb. 18, 2020) (nationwide collective action settlement approved)
- *Flanagan v. Bank of Am. Corp.*, No. 613647/2018, 2019 WL 8135315 (Sup. Ct. Nov. 19, 2019) (nationwide class and collective action settlement approved)
- *Alfano v. Zocdoc, Inc.*, No. 18 Civ. 2558, 2019 WL 4803312 (S.D.N.Y. Oct. 1, 2019) (approving collective action settlement on behalf of more than 150 inside sales representatives)
- *Freeman v. General Dynamics Information Technology, Inc.*, 18 Civ. 855, 2019 WL 4803277 (Md. Fla. Sept. 19, 2019), *adopted by*, 2019 WL 5168632 (M.D. Fla. Oct. 15, 2019) (approval of 182-plaintiff settlement on behalf of customer service representatives)
- *Przytula v. Bed Bath & Beyond Inc.*, No. 17 Civ. 5124 (N.D. Ill. Jan. 29, 2019) (approving nationwide collective action settlement on behalf of assistant store managers)
- *Williams v. TSU Glob. Servs. Inc.*, No. 18 Civ. 72, 2018 WL 6075668 (E.D.N.Y. Nov. 20, 2018) (recommending the conditional certification of a collective of drivers), *adopted by*, 2019 WL 1056273 (E.D.N.Y. Mar. 1, 2019)
- *Weston v. TechSol, LLC*, No. 17 Civ. 0141, 2018 WL 4693527 (E.D.N.Y. Sept. 26, 2018) (approving collective action settlement on behalf of cable installers)
- *Capilupi v. People's United Financial, Inc.*, No. 15 Civ. 5247, 2018 WL 4693588 (E.D.N.Y. Sept. 27, 2018) (class action settlement approved on behalf of over 200 assistant bank managers)
- *Oakley v. Servisair*, No. 13 Civ. 4191 (E.D.N.Y. May 25, 2017) (conditionally certifying nationwide collective of fuelers employed at airports throughout the United States), *settlement approved by* (E.D.N.Y. Aug. 5, 2018) (approving collective action settlement)
- *Crosby v. Lasership, Inc.*, No. 15 Civ. 8694 (S.D.N.Y. June 30, 2017) (class action settlement approved on behalf of over 900 package deliverers)
- *Brackley v. Red Robin Gourmet Burgers, Inc.*, No. 16 Civ. 288, 2017 WL 838227, (E.D.N.Y. Mar. 2, 2017) (granting preliminary approval of settlement and class certification for settlement purposes), *settlement approved by* (E.D.N.Y. June 6, 2017) (class action settlement approved on behalf of over 2,000 servers employed at the defendants' New York restaurants)
- *Cruz v. Burger Brothers Rest. Group, Inc.*, No. 14 Civ. 3186 (E.D.N.Y. Mar. 28, 2017) (class action settlement approved on behalf over 275 assistant store managers employed at over 45 fast food restaurants in New York)

- *Robinson v. Big City Yonkers, Inc.*, No. 600159/2016, 2017 WL 449572, 2017 N.Y. Slip Op. 30177(U) (Sup. Ct. Jan. 17, 2017) (class action certified on behalf of approximately 1,700 delivery drivers), *settlement approved*, NYSCEF No. 292 (Sup. Ct. Feb. 13, 2018)
- *Rodriguez v. Joseph Eletto Transfer, Inc.*, No. 5431/2016, 2016 NY Slip Op 32592(U), 2016 WL 7365683 (Sup. Ct. Dec. 15, 2016) (class action settlement approved on behalf of approximately 80 delivery drivers)
- *Davis v. IMG Worldwide, LLC*, No. 15 Civ. 2157 (S.D.N.Y. July 27, 2016) (class action settlement preliminarily approved on behalf of approximately 85 Fashion Week workers)
- *Bijoux v. Amerigroup N.Y., LLC*, No. 14 Civ. 3891, 2015 WL 5444944 (E.D.N.Y. Sept. 15, 2015) (conditionally certifying collective), *settlement approved by*, 2016 WL 2839797 (E.D.N.Y. May 12, 2016) (class action settlement approved on behalf of approximately 250 marketing representatives)
- *Klein v. Weatherproofing Tech., Inc.*, No. 15 Civ. 4443 (E.D.N.Y. Jan. 29, 2016) (conditionally certifying collective of over 200 roofing technicians employed throughout New York State), *settlement approved by*, (E.D.N.Y. Feb. 27, 2018) (approving settlement for the opt-in plaintiffs)
- *Puglisi v. TD Bank, N.A.*, 998 F. Supp. 2d 95 (E.D.N.Y. 2014) (conditional certification granted), *settlement approved by*, 2015 WL 4608655 (E.D.N.Y. July 30, 2015) (class action settlement approved on behalf of approximately 2,500 assistant branch managers)
- *Sukhnandan v. Royal Health Care of Long Island*, No. 12 Civ. 4216, 2014 WL 3778173 (S.D.N.Y. July 31, 2014) (matter on behalf of more than 400 marketing representatives approved as a class and collective action settlement)
- *Morris v. Affinity Health Plan*, 859 F. Supp. 2d 611 (S.D.N.Y. 2012) (matter on behalf of approximately 1,500 marketing representatives certified as a class action and settlement approved)
- *Salomon v. Adderley Indus.*, 847 F. Supp. 2d 561 (S.D.N.Y. 2012) (matter on behalf of approximately 400 cable technicians conditionally certified as a collective action)
- *Garcia v. Pancho Villa's of Huntington Village*, 678 F. Supp. 2d 89 (E.D.N.Y. 2010), *class certified by*, 281 F.R.D. 100 (E.D.N.Y. 2011), *settlement approved by*, 2012 WL 5305694 (E.D.N.Y. Oct. 4, 2012) (matter on behalf of kitchen and wait-staff employees of Mexican restaurants conditionally certified as a collective action, then certified as a collective and class action and settlement approved)
- *Avila v. Northport Car Wash*, 774 F. Supp. 2d 450 (E.D.N.Y. 2011) (matter on behalf of car wash laborers conditionally certified as a collective action)
- *Moore v. Eagle Sanitation*, 276 F.R.D. 54 (E.D.N.Y. 2011) (matter on behalf of sanitation truck drivers conditionally certified as a collective action)

- *Cruz v. Lyn-Rog*, 754 F. Supp. 2d 521 (E.D.N.Y. 2010) (matter on behalf of car wash laborers conditionally certified as a collective action)
- *Pineda v. Jim-Mar Consultants*, 741 F. Supp. 2d 398 (E.D.N.Y. 2010) (matter on behalf of laborers in a granite and marble yard conditionally certified as a collective action), *modified*, 741 F. Supp. 2d 403
- *Reyes v. Ted McCarthy Construction Design & Maintenance*, No. 10 Civ. 2378, 2010 WL 5508685 (E.D.N.Y. Dec. 8, 2010) (matter on behalf of landscaping and masonry laborers conditionally certified as a collective action)
- *Cano v. Four M. Food*, No. 08 Civ. 3005, 2009 WL 5710143 (E.D.N.Y. Feb. 3, 2009) (matter on behalf of grocery store workers conditionally certified as a collective action)

#### **SPEAKING ENGAGEMENTS (2016 – Present)**

- October 17, 2024 – Panelist, “Developments in NLRB Caselaw and Remedies, and Implications for Employment Law Practitioners,” ABA Section of Labor and Employment Law Webinar.
- May 23, 2024 – Panelist, “Arbitration Provider Policies and Procedures – Enhancing Employee Friendly Arbitration Procedures,” Seventy-Sixth Annual NYU Conference on Labor.
- September 18, 2023 – Panelist, “Remedies in Employment Law,” Twenty-Fifth Annual NYU/Federal Judicial Conference Employment Law Workshop for Federal Judges.
- May 24, 2023 – Panelist, “Addressing Hiring Discrimination Against Older and Disabled Workers, and Formerly Incarcerated Individuals,” Seventy-Fifth Annual NYU Conference on Labor.
- July 29, 2022 – Faculty, “Employment Law in the Post-Pandemic Era,” Institute of Judicial Administration’s Sixty-Third Annual New Appellate Judges Seminar, NYU School of Law.
- June 9, 2022 – Panelist, “Worker Protections in the Age of the Pandemic: Safety, Conduct, & Discrimination Issues,” Seventy-Fourth Annual NYU Conference on Labor.
- June 9, 2022 – Panelist, “Arbitrating Worker Classification Disputes in the Gig Economy,” American Arbitration Association, New York.
- April 29, 2021 – Panelist, “Remedies in Employment Law,” Twenty-Fourth Annual NYU/Federal Judicial Conference Employment Law Workshop for Federal Judges.
- November 12, 2020 – Panelist at the American Bar Association’s Labor and Employment Conference, on the topic of the multi-jurisdictional practice of law.

- August 12, 2020 – Panelist at the New York County Lawyers Association, Employment and Wage & Hour Mediation Training Program, on the topic of classifying employees.
- March 11, 2020 – Panelist on remedies in employment litigation, at the Twenty-Third Annual NYU Employment Law Workshop for Federal Judges at New York University School of Law.
- November 8, 2019 – Panelist at the American Bar Association’s Labor and Employment Conference in New Orleans, Louisiana, on the topic of best practices for class discovery in wage and hour litigation.
- September 16, 2019 – Instructor for trial practice all-day CLE event for counsel in the U.S. Department of Labor’s New York Regional Solicitor’s Office.
- March 22, 2019 – Panelist on remedies in employment litigation, at the Twenty-Second Annual NYU Employment Law Workshop for Federal Judges at New York University School of Law.
- February 16, 2019 – Panelist for “Current state of wage and hour arbitrations in the wake of the U.S. Supreme Court’s decision in *Epic Systems Corp. v. Lewis*,” at the American Bar Association’s Labor and Employment Law Committee midwinter meeting.
- November 8, 2018 – Panelist at the American Bar Association’s Labor and Employment Conference in San Francisco, California, on the topic of best practices for issuing class notices.
- June 8, 2018 – Presenter at the Seventy-First Annual NYU Conference on Labor, on the topic of best practices for ethical witness interactions.
- April 18, 2018 – Presenter for the third consecutive year, at the Federal Bar Association, Eastern District of New York Chapter’s “Fair Labor Standards Act Update,” on the topic of settlement issues in wage-and-hour litigation in the wake of the Second Circuit’s decision in *Cheeks v. Freeport Pancake House*.
- March 21, 2018 – Presenter at the Twenty-First Annual NYU Employment Law Workshop for Federal Judges, held at New York University School of Law. The Workshop is organized in conjunction with the Federal Judicial Center. My panel addressed remedies in employment litigation, including an in-depth discussion of the Restatement of the Law, Employment Law (3d).
- October 11, 2017 – Trainer at “Mediation Advocacy Training” which was conducted in conjunction with the Eastern District of New York, the Federal Bar Association and Cornell University’s ILR Labor and Employment Program. As part of the training program, I provided the case law update.



- September 28, 2017 – Panelist at the United States Department of Labor’s in-house training. I presented on the “Strategies for Asserting Individual Liability for FLSA Violations.”
- March 8, 2017 – Panelist at the Twentieth Annual NYU Employment Law Workshop for Federal Judges, held at New York University School of Law. The Workshop is organized in conjunction with the Federal Judicial Center. My panel addressed employment arbitrations.
- November 10, 2016 – Presenter at the American Bar Association’s Labor and Employment Conference in Chicago, Illinois, on the topic of pursuing and negotiating class action settlements.
- September 28, 2016 – Trainer at “FLSA Mediation Training” which was conducted in conjunction with the Eastern District of New York, the Federal Bar Association. As part of the all-day training session, I presented on the topic of representing workers covered by the Hospitality Wage Order, and Calculating Damages in Wage and Hour Litigation.
- June 23, 2016 – Presenter at the NELA conference in Los Angeles, California, on the topic of issue spotting wage-and-hour violations. As part of the presentation, I discussed wage-and-hour issues affecting the hospitality industry.
- June 15, 2016 – Trainer at “FLSA Mediation Training” which was conducted in conjunction with the Eastern District of New York, the Federal Bar Association and Cornell University’s ILR Labor and Employment Program. As part of the all-day training session, I presented on the topic of representing workers covered by the Hospitality Wage Order, and on the topic of Top 10 FLSA Takeaways.

# **Exhibit 2**



**GARRETT KASKE**  
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www.kesslermatura.com  
(631) 499-9100

## **CURRICULUM VITAE**

### **BAR ADMISSIONS**

New York (2014)  
U.S. District Court Eastern District of New York  
U.S. District Court Northern District of New York  
U.S. District Court Southern District of New York

### **EDUCATION**

**City University of New York School of Law (“CUNY Law”)**, Long Island City, New York  
Juris Doctor (May 2013)  
American Bar Association Labor and Employment Law Section’s Trial Advocacy Competition,  
Competitor (November 2012)

**St. Joseph’s College**, Patchogue, New York  
B.A., History and Spanish Majors (May 2007)

### **PROFESSIONAL HISTORY**

**Kessler Matura P.C.**, Melville, New York  
*Partner* (October 2024 – Present) || *Associate* (January 2020 – September 2024)  
Since being admitted to the New York State bar, as an associate at Shulman Kessler LLP, which subsequently became Kessler Matura P.C., and now as a partner, I have represented employees in and participated in the prosecution of a variety of employment-related disputes involving individual claims of discrimination and harassment, and individual, collective, and class wage-and-hour cases.

**Shulman Kessler LLP**, Melville, New York  
*Associate* (April 1, 2014 – December 2020)

**Gladstein, Reif & Meginniss LLP**, New York, New York  
*Post-Graduate Law Clerk* (November 2014 – March 2015)

Garrett Kaske  
Curriculum Vitae  
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Performed research, legal writing, document review, and damages calculations for this employee- and union-side labor and employment firm. I primarily worked on a wage-and-hour class and collective action known as *Perez v. City of New York*, No. 12 Civ. 4914 (S.D.N.Y.).

**CUNY Law Community Economic Development Clinic**, Long Island City, New York  
*Law Student Intern* (September 2012 – May 2013)  
Represented employees through the clinic, including in a wage-and-hour case styled as *Sanchez v. La Fogata Restaurant & Cafe Corp.*, No. 12 Civ. 5690 (E.D.N.Y.).

**Community Service Society**, New York, New York  
*Intern* (Summer 2012)  
Worked on litigation related to and assisted individuals facing barriers to employment as a result of criminal convictions.

**Progressive States Network**, New York, New York  
*Intern* (Summer 2011)  
Researched and wrote about wage-and-hour laws for a 50-state survey.

**Outten & Golden, LLP**, New York, New York  
*Law Clerk* (December 2012 – April 2013)  
*Litigation Paralegal* (November 2007 – August 2010; December 2010 – January 2011)  
Worked primarily on class and collective actions involving wage-and-hour violations. *See, e.g., Torres v. Gristede's Op. Corp.*, No. 04 Civ. 3316, 2012 WL 3878144, at \*4 (S.D.N.Y. Aug. 6, 2012) (awarding O&G \$164,175 for my 1,313.4 billable hours as a paralegal), *aff'd*, 519 F. App'x. 1 (2d Cir. 2013) (summary order).

## **PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS**

- American Bar Association - Labor & Employment Law Section, Member  
Volunteered as a “juror” for the annual trial advocacy competition held at the Southern District of New York courthouse, where I observed mock employment discrimination trials and evaluated and critiqued the law-student competitors (November 2016, 2017, 2019, 2021). Selected for Section’s 2021 Leadership Development Program (July 2021). Employee Vice Chair of the Treatise Committee (2022 – Present).
- National Employment Lawyers Association, Member (2014 – 2022, 2024 – 2025)  
Participated in NELA’s Lobby Day in Washington, D.C. (2015 and 2018). Led the 2015 New York contingent for Lobby Day. Participated in NELA-NY’s lobbying efforts in support of workers’ rights legislation in Albany, NY (February and May 2024, February 2025).
- National Lawyers Guild – New York City Chapter Labor and Employment Committee (“L&EC”), Co-Chair (Spring 2014 – Present) and Member (December 2011 – Present)

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Regularly organize CLEs, networking events, and social events for members. Assist L&EC members and other workers' rights advocates with research projects, trainings, and coalition building, including the preparation of and organization of *amici* signatories to a brief in *Franze v. Bimbo Bakeries USA, Inc.*, No. 19 Civ. 2275 (2d Cir. Jan. 22, 2020) (ECF No. 66). Published know-you-rights palm cards on employment rights for New York workers.

- National Lawyers Guild – New York City Chapter Executive Committee (January 2023 – Present), Treasurer (January 2024 – Present)
- Brandworkers (non-profit organization that supports food-production workers), Host Committee Member for annual fundraising dinner (2015 – 2019, 2022)

### **SPEAKING ENGAGEMENTS**

- On September 18, 2015, I spoke on labor and employment issues at the Labor Employment Committee of the Suffolk County Bar Association's Law in the Workplace Conference. I presented on employee handbooks that run afoul of the National Labor Relations Act, including arbitration clauses used to quell wage-and-hour class and collective actions.
- On March 11, 2016, I spoke on a panel entitled "Strategies & Consideration for Arbitration of Employment Disputes" at the New York City Bar Association's Employment Law Institute. My presentation and the materials I prepared for the CLE focused on strategies for plaintiffs' attorneys facing compelled arbitration of employment matters, including class and collective actions. The materials are available on Westlaw using the following identifier: 20160311A NYCBAR 618.
- On June 9, 2017, I presented on an ethics panel at the NYU 70th Annual Conference on Labor. My discussion focused on ethically communicating with low-wage workers in employment class actions.
- On March 22, 2018, I presented to the Low Wage Worker Task Force discussing representing undocumented and immigrant workers since the inauguration of President Donald J. Trump. My presentation focused on the discoverability of immigration status in wage-and-hour and discrimination lawsuits, and the use of immigration status to intimidate and retaliate against plaintiffs.
- On May 11, 2018, I moderated a panel at NELA/NY's spring conference entitled the New York Alternatives to the FLSA, focusing on differences between litigating in state court under the New York Labor Law and in federal court under the Fair Labor Standards Act.
- On April 24, 2020, I presented on a webinar for out-of-work musicians. I discussed typical employment issues facing musicians and new laws protecting these workers, including

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employee misclassification, the Freelance Isn't Free Act, the expansion of the New York City Human Rights Law, and common wage-theft schemes.

- On May 21, 2020, I presented on a webinar for the Yemeni American Merchants Association. With an eye towards the COVID crisis, I presented on worker misclassification, wage rights, discrimination, the NLRA, and the WARN Act.
- On August 12, 2020, I was a panelist on a multi-day employment and wage-and-hour mediation training program for the New York County Lawyers Association. I discussed and prepared materials on the classification of employees as overtime exempt.
- On February 24, 2022, I presented on a webinar, hosted by the Community Legal Resource Network of CUNY School of Law, called "Legal Briefing 2022." I presented on employment issues during the pandemic and facing employees returning to work.
- On November 16, 2022, I presented on a webinar discussing the impact of *Dobbs* on the workplace. I presented on the relevant anti-discrimination laws in place at the local, state, and federal level.
- On May 27, 2023, I gave a know-your-rights presentation to day laborers on the streets for Jackson Heights, New York, in partnership with the non-profit Voce Latinas.
- On May 27, 2023, I presented at a regional union organizing conference on labor and employment law.
- On June 26, 2023, I presented on a webinar, entitled Basics and Recent Advancements of Low-Wage Workers Rights in New York, hosted by CUNY School of Law. I presented on wage-and-hour, scheduling, discrimination, and harassment laws affecting New York City workers, including immigrant workers.
- On June 15, 2024, I gave a know-your-rights presentation on the workplace rights of immigrant workers in New York, in partnership with the non-profit Voces Latinas.
- On February 19, 2025, I presented on New York's increased minimum wage and new prenatal leave law to law students at an event hosted by the Touro Law Labor and Employment Society.

### **CLE PRESENTATIONS ORGANIZED**

As part of my contributions to the L&EC, I organize continuing legal education seminars on labor and employment law, including the following:

- On Offense: Tactics for Worker Justice (Nov. 13, 2012) – A seminar on identifying wage-and-hour violations and litigating wage-and-hour cases during worker-organizing drives.

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- Food Fight: Lawyering and Organizing in the Fast-Food Showdown (Oct. 31, 2013) – A seminar regarding the fast-food workers movement, including the common wage-and-hour violations in the fast-food industry and whether franchisors are jointly and severally liable for wage-and-hour violations of their franchisees.
- Bankrupting Democracy: Constitutional Rights, Civil Rights, and Labor Rights under Siege in Detroit (Jan. 23, 2014) – A seminar looking at Detroit’s municipal bankruptcy, the emergency manager, and pending litigation impacting Detroit workers’ pensions and voting rights.
- Schooling the University: Winning Workplace Justice for Campus Workers (Apr. 10, 2015) – A seminar on the worker-organizing campaigns on college campuses and the wage-and-hour litigation surrounding interns.
- Leading the Way: New York Enacts Legal Protections for Farmworkers and Families (Dec. 2019) – A panel discussion on New York’s increased legal protections for farmworkers and workers needing family leave.
- Employment in the Time of Corona: Protections for Workers During the Pandemic (May 2020) – Webinar on new and established employment laws that protect employees who face workplace discrimination, harassment, and other issues because of Covid-19.
- Black Lives Matter @ Work: Confronting and Dismantling White Supremacy in the Workplace (Sept. 2020) – Webinar on how the Black Lives Matter movement has impacted our clients’ and our own workplaces.
- *Dobbs @ Work: What Does the End of Roe v. Wade Mean for Workplace Rights?* (Nov. 2022) – Webinar of how *Dobbs v. Jackson Women’s Health Org.*, has impacted employee benefit plans and local, state, and federal anti-discrimination laws.
- The A.S.A. for Workers: What Does the Adult Survivors Act Mean for Workers’-Rights Litigation in New York (Mar. 2023) – Webinar on what labor and employment lawyers need to know about the Adult Survivors Act.
- Fall Half-Day CLEs (Sept. 2024) – Three one-hour CLE panels covering (a) ethically communicating with punitive clients in class-action and multi-plaintiff cases; (b) reproductive rights, including as it relates to workplace rights; and (c) cybersecurity, including in the labor-and-employment context.

## **PUBLISHED WORKS**

Chapter Editor (2024) and Contributing Author (2022 – 2023), American Bar Association’s FLSA Midwinter Report, which serves as the annual supplement to the Ellen C. Kearns et al. eds., Fair Labor Standards Act (2d. ed. 2010)

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Assisted in drafting and revising: Samuel Estreicher and Troy Kessler, *Employers Should Reconsider Plans to Discharge Employees for Refusing the COVID-19 Vaccine*, N.Y. Law Journal (May 26, 2022)

## **REPRESENTATIVE CASES**

Notable examples of cases in which I was the firm's lead associate or primary attorney, include:

- *Lucente v. EAD Entertainment, LLC*, No. 23 Civ. 3560 (E.D.N.Y. Nov. 7, 2024) (granting final approval of class action settlement involving paint-bar workers)
- *Ellison v. Adam Rest Corp.*, No. 607508/2023, 2024 WL 2273524 (Sup. Ct. Apr. 2, 2023) (certifying class of servers and bartenders employed across several separately incorporated restaurants operating under two brands)
- *Norfleet v. RevCore Recovery Center Manhattan LLC*, No. 617754/2023, NYCEF No. 18 (Sup. Ct. Jan. 29, 2024) (granting approval of class action settlement involving counselors)
- *Alvarado v. Clarvalu, Inc.*, No. 23 Civ. 4338, ECF No. 13 (E.D.N.Y. Jan. 19, 2024) (judgement entered, following acceptance of offer of judgement, for individuals employed by residential-cleaning company)
- *Reynolds v. Otsego SNF Oper. Assocs. LLC*, No. 620635/2023, NYSCEF No. 17 (Sup. Ct. Jan. 5, 2024) (granting approval of class action settlement involving manual workers employed by a group of nursing and rehabilitation homes)
- *Albano v. Van Buren Truck Sales Corp.*, No. 23 Civ. 3545, ECF No. 15 (E.D.N.Y. Oct. 17, 2023) (judgement entered, following acceptance of offer of judgment, for an individual alleging a timely wage payment claim)
- *Fishkin v. Gourtmet Express LTD*, No. 610142/2022, NYCEF No. 28 (Sup. Ct. Mar. 22, 2023) (granting final approval of class action settlement involving catering employees)
- *Manfredo v. VIP Auto Group of Long Island, Inc.*, No. 2:20 Civ. 3728 (E.D.N.Y. Oct. 26, 2021) (granting collective certification of salespersons employed at several separately incorporated auto dealerships), *final settlement approval granted*, (E.D.N.Y. Jan. 12, 2023)
- *Henne v. LI Wax FD, LLC, et al.*, No. 200516/2022, NYSCEF No. 20 (Sup. Ct. Oct. 18, 2022) (approving class action settlement on behalf of waxing and tanning employees)
- *Martinez v. 138 Lube LLC*, No. 22 Civ. 642 (S.D.N.Y. Sept. 16, 2022) (approving settlement involving a car wash worker)

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- *Hood v. Nicklianacos LLC*, No. 22 Civ. 4918 (E.D.N.Y. Sept. 15, 2022) (approving multi-plaintiff settlement involving movers)
- *Ludwig v. General Dynamics Information Technology, Inc.*, No. 19-CI-1073 (Ky. Cir. Ct. May 19, 2022) (granting final approval of class action settlement on behalf of call center workers)
- *Cucuzza v. National Debt Relief, LLC*, No. 601631/2021, NYSCEF No. 31 (Sup. Ct. Apr. 20, 2022) (granting final approval of class action settlement involving salespersons)
- *Bonefort v. Sticker Mule LLC*, No. 20 Civ. 1222, ECF No. 33 (N.D.N.Y. Feb. 24, 2022) (granting final approval of class action settlement on behalf of sticker production workers)
- *Lawson v. Realization Center, Inc.*, No. 613219/2021, NYSCEF No. 24 (Sup. Ct. Jan. 27, 2022) (granting plaintiff's motion for approval of class action settlement)
- *Tabacchino v. Laboratory Corp. of Am. Holdings*, No. 613075/2021, NYSCEF No. 39 (Sup. Ct. Dec. 16, 2021) (granting approval of class action settlement on behalf of couriers)
- *Dawson v. Sterling Bancorp, Inc.*, No. 623157/2019, NYSCEF No. 38 (Sup. Ct. April 28, 2021) (final approval of class action settlement involving assistant branch managers of bank)
- *Pierre v. Kaufman Enters., LLC*, No. 2019/604065, NYSCEF No. 30 (Sup. Ct. Dec. 7, 2020) (final approval of class action settlement involving fast-food-chain assistant store managers)
- *Dazzazi v. AZ Import/Export LLC*, NO. 19 Civ. 6713 (E.D.N.Y. Aug. 25, 2020) (settlement involving retail-store employee approved)
- *Vecchione v. Consumers Warehouse Center, Inc.*, No. 606019/2017, NYSCEF No. 60 (Sup. Ct. Jan. 15, 2020) (class action settlement involving over 100 salespersons approved)
- *Meo v. Lane Bryant, Inc.*, No. 18 Civ. 6360, 2019 WL 5157024 (E.D.N.Y. Sept. 31, 2019) (conditionally certifying collective of retail assistant store managers), *settlement approved by*, 2020 WL 4047897 (E.D.N.Y. July 17, 2020) (49-state collective action settlement approved)
- *Benitez v. Bolla Operating LI Corp.*, 189 A.D.3d 970 (2d Dep't 2020) (argued before the Second Department for the application of the Hospitality Industry Wage Order to a chain of gas-stain convenience stores that housed gourmet delis)
- *Freeman v. General Dynamics Information Technology, Inc.*, 18 Civ. 855, 2019 WL 4803277 (Md. Fla. Sept. 19, 2019), *adopted by*, 2019 WL 5168632 (M.D. Fla. Oct. 15, 2019) (approval of 182-plaintiff settlement on behalf of customer service representatives)



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- *Rojas v. Exquisito Rest. Inc.*, No. 18 Civ. 4840 (E.D.N.Y. Sept. 6, 2019) (settlement involving restaurant delivery worker approved in which our firm co-counseled with Make the Road New York – a non-profit organization that supports Latino and working-class communities to achieve dignity and justice – and handled *pro bono*)
- *Rivera v. Titan Fire Sprinkler Inc.*, No. 18 Civ. 4084 (E.D.N.Y. July 29, 2019) (settlement involving overtime claims of steamfitters approved)
- *Miuzzo v. Residential Fences Corp.*, No. 18 Civ. 2901 (E.D.N.Y. June 11, 2019) (settlement involving overtime claims of laborers approved)
- *Williams v. TSU Glob. Servs. Inc.*, No. 18 Civ. 72, 2018 WL 6075668 (E.D.N.Y. Nov. 20, 2018) (recommending the conditional certification of a collective of drivers), *adopted by*, 2019 WL 1056273 (E.D.N.Y. Mar. 1, 2019)
- *Morales v. Danbury Pharma, LLC*, No. 16 Civ. 634 (E.D.N.Y. Feb. 22, 2018) (settlement involving overtime claims of warehouse worker approved)
- *Barahona v. Intern. Warehouse Group, Inc.*, No. 603305-17, 2017 WL 4446687 (Sup. Ct. Oct. 03, 2017) (denying motion to dismiss NYLL claims brought by warehouse workers)
- *Robinson v. Big City Yonkers, Inc.*, No. 600159/2016, 2017 WL 449572, 2017 N.Y. Slip Op. 30177(U) (Sup. Ct. Jan. 17, 2017) (class action certified on behalf of approximately 1,700 delivery drivers), *settlement approved*, NYSCEF No. 292 (Sup. Ct. Feb. 13, 2018)
- *Estime v. Collazo Assocs., Inc.*, No. 16 Civ. 6205 (E.D.N.Y. June 29, 2017) (settlement in minimum wage and overtime lawsuit on behalf of street sweeper approved)
- *Brackley v. Red Robin Gourmet Burgers, Inc.*, No. 16 Civ. 288, 2017 WL 838227, (E.D.N.Y. Mar. 2, 2017) (granting preliminary approval of settlement and class certification for settlement purposes), *settlement approved by* (E.D.N.Y. June 6, 2017) (class action settlement approved on behalf of over 2,000 servers employed at the defendants' New York restaurants)
- *Useda v. Pinta Inc.*, No. 16 Civ. 4305 (E.D.N.Y. Mar. 28, 2017) (settlement of overtime lawsuit on behalf of a kitchen worker approved)
- *Castagna v. Hampton Creek, Inc.*, No. 16 Civ. 760 (E.D.N.Y. Jan. 23, 2017) (FLSA settlement of 10 purported independent contractors approved)
- *Cruz v. Burger Brothers Rest. Group, Inc.*, No. 14 Civ. 3186 (E.D.N.Y. Mar. 28, 2017) (class action settlement approved on behalf over 275 assistant store managers employed at over 45 fast food restaurants in New York)
- *Davis v. IMG Worldwide, LLC*, No. 15 Civ. 2157 (S.D.N.Y. July 27, 2016) (class action settlement preliminarily approved on behalf of approximately 85 Fashion Week workers)



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- *Batres v. Valente Landscaping, Inc.*, No. 14 Civ. 1434 (E.D.N.Y. Sept. 19, 2016) (collective action settlement of seven landscapers approved)
- *Klein v. Weatherproofing Tech., Inc.*, No. 15 Civ. 4443 (E.D.N.Y. Jan. 29, 2016) (conditionally certifying collective of over 200 roofing technicians employed throughout New York State), *settlement approved by*, (E.D.N.Y. Feb. 27, 2018) (approving settlement for the opt-in plaintiffs)
- *Garcia v. Sidco Food Distrib. Corp.*, No. 14 Civ. 9449 (S.D.N.Y. Dec. 16, 2015) (wage-and-hour settlement involving two collectors at food distributor approved)